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THREE HUNDRED MILLION IN SUIT FOR RESTITUTION

LATEST PHASE OF THE NEW HAVEN GRAFT INVESTIGATION

DIRECTORS TO STAND SUIT

Plaintiffs Allege Loss of \$102,000,000 and Ask Damages Three Times That Amount

(By Associated Press) Boston, July 17.—A restitution suit, whereby minority stockholders seek to compel former and present directors to restore to the treasury of the New York, New Haven and Hartford railroad company, approximately \$102,000,000 alleged to have been illegally used in building up the system, was begun today in the supreme court.

The complaint alleges that losses resulting from the acquisition of the Boston and Main trolley and steamship properties by the New Haven amounted to \$102,000,000 and that, under federal anti-trust act, the New Haven company is entitled to recover from the defendants three times that sum, or \$306,000,000.

The plaintiffs, who are trustees of the late Olla Bull Vaghan's estate and own fifty shares of the capital stock asked, for a receiver to take possession of all claims in favor of the defendants, but not to interfere with the administration of the current affairs of the New Haven company.

The suit is against the corporation and the directors in office from 1904 to 1909. John L. Billard, who is said to have derived a profit of \$2,000,000 from transactions with the company was not made a defendant because he was not a director during that period.

Boston, July 17.—The appointment of a receiver, special master or other official to prosecute claims aggregating \$306,000,000 against defendant directors and estates of directors of the New York, New Haven and Hartford railroad is asked in a suit filed in the supreme court today. The action is brought by Whipple, Sears & Ogden, representing minority stockholders of the company.

The suit in which the attorneys recently demanded that the directors join, is designed to force restitution from those responsible for funds alleged to have been illegally expended in building up the New Haven system. Judge Brady issued an order of notice returnable next Friday to show cause why a receiver should not be appointed and why an injunction against the disposition of the defendants' stock should not be issued.

Among the defendants, who include various New Haven directors since 1903, and estates of deceased directors are: William Rockefeller, Charles M. Pratt, Lewis Cass Lelyard, H. McK. Twombly, George McC. Miller, George J. Brush, James S. Hemingway, James H. Etkon, Henry K. McHarg, Robert W. Taft, William Skinner, Charles S. Mellen, Alexander Cochran, J. P. Morgan estate, Edwin Miller estate, I. Doy Warner estate.

In addition, the plaintiffs name John L. Billard, George F. Baker, T. De Witt Cuyler, Edward Milligan, F. T. Maxwell, Theodore N. Vall, S. W. Winslow, Laurence Minot, Samuel Rea, Morton F. Plant, Dev. H. Warner, John T. Pratt, Howard Elliott, James L. Richards, W. M. Crane, A. T. Hadley, and J. H. Huerta, as having been directors since 1909, but, as to whether their failure to cause the road to institute a restitution suit has made them liable on account of negligence and violation of fiduciary duty, the plaintiffs state they are not advised.

The litigation is in the form of an equity action entered by the attorneys as trustees under the will of Olla Bull Vaghan. The bill of complaint declares that the defendants, on account of breach of directors' duty, chiefly through causing the New Haven to acquire illegally its Boston and Maine trolley and steamship properties, are bound to pay to the New Haven \$102,000,000 "withdrawn therefrom wrongfully and for ultra vires and illegal purposes."

It is alleged that the losses approximate \$102,000,000 and that under the law the New Haven is entitled to recover three-fold that sum—or \$306,000,000.

CLAYTON BILL IS PROGRESSING

Senate Committee Getting To Heart of the Anti-Trust Legislation

(By Associated Press.) Washington, July 17.—Senate committee took another firm grip today on the administration's anti-trust legislative program and made progress on the Clayton Bill, the railroad re-organization bill.

While the trade commission bill was under discussion again in the Senate, vigorously criticized by Senator Works, of California, the interstate commerce committee had it under advisement and virtually agreed to amend the section which would make unlawful "unfair competition."

The amendment proposed would authorize the proposed trade commission to determine what constitutes "unfair competition" and to order it stopped when determined. In each case, there would be a full court review.

While the committee made some progress on the railway reorganization bill, the question whether the Interstate Commerce Commission should be empowered to determine to what use funds realized by carriers from issues of securities had been used, still is undetermined.

The judiciary committee decided the section of the Clayton measure relating to holding companies should be made stronger, but it has not been able to amend the section to its satisfaction. The matter will be considered further tomorrow.

COURT ASSISTS IN NELMS MYSTERY

Order Issued Superior Court Will Help In Solving the Problem

(By Associated Press.) Atlanta, Ga., July 17.—Court action was taken here today in connection with the mysterious disappearance of Mrs. Eloise Nelms Dennis and Miss Beatrice Nelms for whom a nationwide search is being made.

Judge George L. Bell, of the Supreme court, signed an order directing the Western Union Telegraph Company, the Postal Telegraph Cable Company and the Southern Bell Telephone and Telegraph Company to turn over to Mrs. John W. Nelms, of this city, mother of the missing women, all telegrams which may have passed during the last three years between Mrs. Dennis and Victor E. Innes, former assistant United States district attorney of Nevada. The order in addition included any other telegrams which might aid in solving the mystery.

The court also appointed Mrs. Nelms temporary receiver of the estate of Miss Beatrice Nelms. The latter has large property holdings and it was asserted in the receivership petition that her interests would be placed in jeopardy unless a receiver was named.

Innes was Mrs. Dennis' attorney in Reno, Nev., in 1912 when she obtained a divorce. It was reported he had been commissioned by Mrs. Dennis to make investments for her in Mexico, but in a statement made in Portland, Oregon, the attorney denied the report and said he had no business relations with the woman other than as her counsel in her divorce proceedings.

No trace has been found of either Mrs. Dennis or Miss Nelms, who left here early in June on a business trip to Texas. An investigation was started when a letter, mailed in San Francisco on July 3 to Mrs. Nelms and signed with Mrs. Dennis' name, indicated that she had killed her sister.

QUERIDO SEEMS TOO QUERULOUS

Mexican Diplomat Fusses About the Way Huerta Has Been Treated

(By Associated Press.) Savannah, July 17.—Querido Moreno, former Mexican minister of commerce, who passed through here tonight on his way to New York, said he hoped to enlighten the American people on "the grave injustices which President Wilson has done to General Huerta. He thought the constitutionalists would be unsuccessful in establishing a stable government in Mexico."

"General Huerta is one of the greatest men Mexico has ever known," added Senator Moreno. "He has been grossly misrepresented in the United States."

PICKENS GAVE QUIET HEARING

BLEASE WILL PROBABLY GET THE MAJORITY IN THE COUNTY

"A SWEET BUNCH"

Mr. Pollock Continues To Apply Governor's Own Ideas To Governor's Staff

(Special to The Intelligencer) Pickens, July 17.—From 1,200 to 1,500 Pickens county citizens heard the senatorial candidates here today. Though the weather was threatening, the crowd began to collect early in the day, and by 9 o'clock the court house grounds were dotted with groups of expectant voters.

At one time during the speaking the drizzle of rain was so heavy that Sheriff Charley Lyon, of Abbeville, held an umbrella over Senator Smith, that the speaker might continue. There was little demonstration today. The meeting was practically devoid of the boisterous heckling that has characterized so many of the meetings in the Piedmont.

This county went against Jones by a majority of 962 in the gubernatorial campaign of two years ago. It is a striking fact that this county was carried by Senator Smith six years ago also by 962. Senator Smith had a large following in the audience today but it was generally conceded that the majority were the friends of the governor and the general prediction was made that he will carry the county again this year.

A Sweet Bunch. Mr. Pollock designated as "a sweet bunch" the trio of famous cowboys on the governor's staff. These being J. P. Gibson, of the "calico Republican mixed lick" fame; Edwin Hirsch, the son of the editor and owner of the Republican newspaper at Kingsleepe, in which James Sims as a "boy shot rope" and James Botlle, "the little sword-of-Charleston blind tiger king."

This speaker said that he had worked for everything he possessed and that he used to peddle sweet potatoes at 50 cents a bushel on the streets.

In answering the charge of his opponents today that he was a man with a single idea, Senator Smith said he would not be so unkind as to pray God to give his colleagues one original idea, for he said he was persuaded to believe that if he did, they would die at once of apoplexy.

New Angle of Attack. The governor found another angle of attack on the primary rules again (Continued on Page Three.)

RIOTING AT MINES

PITCHED BATTLE NEAR FT. SMITH, ARK., ALL OF FRIDAY

GUARDS ROUTED

The Strikers and Their Sympathizers Used Dynamite—Destroyed Much Property

(By Associated Press.) Fort Smith, Ark., July 17.—After a pitched battle between several hundred striking coal miners and their sympathizers and 100 guards stationed at the Prairie Creek Mines, of the Mammoth Vein Coal Company near Fort Smith today, which ended in the riot of the guards, apples of three miles were destroyed by fire and dynamite. The property damage is estimated at \$200,000.

So far as can be ascertained no one was killed or seriously wounded in the fighting, which began after daybreak and continued until late in the day when the mine guards retreated after their ammunition was exhausted.

Rioters held possession of the mines for several hours, wrecking the plants with torch and explosives. Tonight the properties are deserted.

County officials went to the scene late today but before they arrived the attacking party had disappeared.

Today's rioting was a culmination of a series of disturbances which have occurred at intervals since the contract with the United Mine Workers was abrogated last March, and an announcement made that the properties owned by the Eagle-Dunham Coal Company, but leased by the Mammoth Vein Coal Company, would be operated on an "open shop" basis.

In one attack several employees were badly beaten after they were forced by a mob estimated to have numbered more than a thousand men to withdraw the fires from the boilers. Last Sunday night Frogtown, a union mining camp, a mile distance from Prairie Creek, was "shot up" and the disorder was repeated Wednesday night. No one was injured.

At the time of the first outbreak an injunction was secured in the Federal court to restrain the strikers from interfering with the operation of the mines and a force of fifty men, under the direction of the United States marshal, placed on guard. This force was recalled under instructions of Attorney General McReynolds, who held it was the duty of the state and (Continued on Page Three.)

STRIKE OVER; ALL PLEASED

MONOGHAN MILL MATTER WAS ARBITRATED SUCCESSFULLY

TO WORK MONDAY

The Operatives Accepted the Proposition Submitted By Mr. Parker—Ettor on Scene

Special to The Intelligencer. Greenville, July 17.—The operatives of the Monoghan mills will return to work Monday morning, according to a decision which they reached today after a conference with Lewis W. Parker. A committee representing the operatives called up Mr. Parker Friday morning and in the afternoon announced that they had accepted the proposition which he made to them. This proposition was that the return to work, make up the 35 minutes ordered, and then treat with the management with reference to the overtime rule.

The operatives, the management and the general public appear delighted that matters have taken this turn, for with the arrival of Joseph J. Ettor yesterday, some became apprehensive that trouble might arise. Ettor is a high man in the "I. W. W." and it is this organization which gave rise to the difference between the mill management and the operatives, the latter contending that the labor organization did not permit the overtime, while the rules of the company required that certain lost time be made up.

On Wednesday the 8th a storm caused the power at Monoghan to be shut off for a time, and when the operatives declined to make up the time, the walkout occurred. For the past two days the mill has been operating, but not to its full capacity.

Perfect order has prevailed throughout the differences. So far as could be learned Ettor has taken no part in the developments today. Last night Ettor advised the operatives to go back to work and save their money until the I. W. W. could be more strongly organized, and after the organization could be effected to consider a general cotton mill strike. This advice was given at a closed meeting, but one who attended is authority for the statement attributed to Ettor.

The fact that some of the operatives have declined for several days to work will not be held against them, according to the agreement today.

PERFECT PEACE IN OLD MEXICO PREDICTED

FOR DISSOLUTION NEW HAVEN ROAD

Atty. Gen. McReynolds Will Have To Institute a Suit To Get Results

(By Associated Press) Washington, July 17.—Negotiations between the New Haven Railroad and the department of justice to effect a peaceful dissolution of that system apparently came to an end today and unless there are unforeseen developments the government will file a dissolution suit next week.

Before it is filed the Attorney General McReynolds will lay the whole New Haven case before President Wilson and ask the approval. Mr. McReynolds' ears are not closed to further negotiation with railroad officials, but it was believed today that the New Haven has rested its case. Official notice of the directors' action yesterday refusing to accept conditions laid down by Massachusetts for the sale of its Boston and Mine stock, came during the day. There was no intimation of any plan for complying with the government's demand, that the Boston and Maine stock be sold.

It was reported to night that the New Haven will not fight the government's suit at all, and might even go so far as to appear in court, confess judgment and put it up to the court to determine whether a dissolution shall be ordered. How far the government's bill may go in asking for a dissolution is doubtful. At one time the bill contained a provision asking for the separation from the New Haven of the old New England Railroad, secured years ago and considered a vital part of the system. There was some question as to whether the Sherman act will apply to the New England, and it is probable that this feature will be eliminated from the bill. If it is retained and the government should win, the New Haven would be tripped to its shore line and a few feeders.

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Huerta Has Arrived At Port of Departure

None of the messages sent Huerta's wife or to General Camrena, commanding the special guard here, indicated Huerta's plans.

NO FEDERALS FOR HIM Carranza Will Not Let Them Come Into His Arms. Monterey, Mex., July 17.—The request of federal officers garrisoning San Luis Potosi, presented to the constitutionalists through a committee of citizens, that they be allowed to join the constitutionalist army with their present rank, has been refused by General Carranza. Leaders declare they will not repeat the mistake of Madero in taking the enemy into their ranks.

Captain S. G. Hopkins of Washington, said to have been a constitutionalist attorney in that city, today held a conference with General Carranza.

JUST HOLDING JOB Carrabal Doesn't Care To Keep the Office of President.

Washington, July 17.—Dispatches from the Brazilian minister that the entire diplomatic corps called at the national palace today and through the dean of the corps, the Spanish ambassador, congratulated Francisco Carrabal upon his accession to the presidency. The ambassador expressed the hope that order soon would be restored throughout the republic.

In reply the report said that Carrabal assured the diplomats that he had assumed office only with the hope of bringing relief to his country and that nothing would be done by him to interfere with the adjustment of the situation in a way satisfactory to all factions.

DAY OF ANXIETY Gen. Huerta's Plans Were Kept In Dead Secrecy.

Puerto, Mexico, Mexico, July 17.—Not

OFFICIALS OPTIMISTIC OVER PRESENT STATUS OF AFFAIRS

CARRANZA MUST USE DISCRETION

Rights of the Clergy, Foreigners, Especially Spaniards To Be Given Due Respect

(By Associated Press.) Washington, July 17.—Every influence and diplomatic agency at the disposal of the government was working today for immediate peace in Mexico.

The administration is convinced that, with the elimination of Huerta, the factions in Mexico will be drawn together quickly. To assure restoration of normal conditions without further bloodshed, officials here are exerting themselves to smooth the way for a new and stable administration which shall be recognized by the powers.

Not only the American government counseling General Carranza to arrange with Francisco Carbajal, Huerta's successor, for the peaceful transfer of the government at Mexico City to the Constitutionalists, but it became known today that the administration is indirectly in communication with Zapata, leader of the revolution in Southern Mexico.

A Serious Menace. Zapata has 24,000 men, and though most of them are poorly equipped, they would constitute a serious menace to a new government if they remained in revolution. Zapata, who demands agrarian reforms, made common cause with the Constitutionalists and obtained supplies from them with which to fight Huerta government. It is not known yet, however, whether he will lay down his arms in favor of Carranza.

The United States is using its influence through friends of Zapata to bring him into harmony with the peace program and an emissary from General Carranza is now on his way to confer with him.

These activities on the part of the American government result from a desire that when the Constitutionalists are installed in Mexico City and comply with the conditions prerequisite to formal recognition, there shall be an end to revolution in Mexico with its ever threatening international aspects.

Respect Demanded. Carranza has been informed that he must conduct his triumph temperately; that an amnesty for political offenders be declared and the rights of the clergy and other foreigners who have suffered, especially Spaniards, be given due respect.

Though John F. Silliman, personal representative of President Wilson, with General Carranza, the American government is rendering its advice. To accept the suggestions from Washington, it has been pointed out, means recognition by the powers of the whole world.

General Carranza, according to Mr. Silliman, reveals friendliness to the American government and readiness to discuss peace with Carbajal.

Washington is in touch with Carbajal through his personal representative here, Jose Castellot, who declared today the relations between the two governments were very cordial. He makes his headquarters at the Mexican embassy and has the ear of Secretary Bryan. One message from the new provisional president, said he would fill none of the cabinet portfolios except the ministry of war to direct the army.

Castellot admits that Carbajal wants to transfer his authority to Carranza immediately and that the commission of three Constitutionalists sent to north by Carbajal with Carranza had authority to arrange for the transaction. An amnesty for political offenders and guarantees that the lives and the property of the people in the territory controlled by the federal government be conveyed are practically the only terms which Carbajal asks.

Washington officials already are predicting complete peace in Mexico in another fortnight.

While demolishing a building at Reade and Centre streets, New York, house wreckers unearthed a city water tank erected by Hamilton Burr, who killed Alexander Hamilton in a duel.

CAUGHT WITH LOOT. Mexico City, July 17.—Jens-o-dio Maribez, a young Mexican painter, last night attempted to steal from the San Carlos Fine Arts school of this city several of its most valuable paintings, worth about 6,000,000 pesos. He was captured. He said he intended to take the pictures and there sell them. (A peso is a Mexican dollar.)

PROPOSE NAME FOR UNIVERSITY

Some Think That It Should Bear the Name of "Candler"—Other Suggestions

(By Associated Press) Atlanta, July 17.—Selection of a name and site for the new university to be established here by the Methodist Episcopal church, South, will be considered by a committee of the educational commission of the church, it was announced here tonight by Bishop Warren A. Candler, newly elected chancellor of the institution.

Various names have already been proposed, two of the chief ones being Methodist University of the South and Candler University. The latter has been proposed in honor of the institution's first chancellor and his brother, Asa G. Candler, of this city, who yesterday announced a subscription of \$1,000,000 to the endowment fund.